

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16-cv-101-FDW**

CARL BENNETT PRIMUS, JR.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU PAYNE, Correctional Officer,)	
)	
Defendant.)	
<hr/>)	

THIS MATTER is before the Court on Plaintiff's Motion for an Order Compelling Discovery, (Doc. No. 38).

Pro se Plaintiff Carl Bennett Primus, a North Carolina state inmate currently incarcerated at Marion Correctional Institution, filed this action on June 13, 2016, pursuant to 42 U.S.C. § 1983. On August 11, 2016, this Court found that the allegations in Plaintiff's Complaint survived initial review. (Doc. No. 13). On March 6, 2017, the Court entered a scheduling order, setting the deadline for discovery as July 4, 2017. (Doc. No. 35). Plaintiff filed the pending motion to compel on March 23, 2017, stating that he seeks an order from this Court compelling Defendant to provide certain discovery to Plaintiff.

The Court will deny Plaintiff's motion to compel. First, as the Court's scheduling order directs, Plaintiff must seek discovery from Defendant directly, rather than filing requests for discovery with the Court. Furthermore, even assuming Plaintiff has already sought discovery directly from Defendant, Plaintiff has not shown that, before filing the motion to compel, he conferred or attempted to confer in good faith with Defendant in an attempt to resolve his

discovery dispute before filing the motion to compel. See Local Rule 7.1(b).

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for an Order Compelling Discovery, (Doc. No. 38), is **DENIED**.

Signed: April 21, 2017

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

